

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
NORTHERN DIVISION

NO. 2:11-CR-12-H

FILED IN OPEN COURT  
ON 06/09/11  
Dennis P. Iavarone, Clerk  
US District Court  
Eastern District of NC

UNITED STATES OF AMERICA :  
 :  
 v. :  
 :  
 GABINO RAYGOZA-VILLANUEVA :

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, pursuant to the entry of the Memorandum of Plea Agreement and Consent of Forfeiture entered into by the defendant, Gabino Raygoza-Villanueva, on June 9, 2011, the following property is hereby forfeitable pursuant to 21 U.S.C. § 853, to wit, a 2002 Dodge Caravan, white in color, N.C. Registration YPK-9036, VIN: 2B4GP44302R533798; and pursuant to 18 U.S.C. § 924(d)(1) made applicable to this proceeding by virtue of 28 U.S.C. § 2461 as firearms used in knowing violations of 18 U.S.C. § 922(g)(1) and 924, to wit, (1) a Marlin Model 336W, 30-30 Caliber Level action Rifle, serial number 0030312, and any accompanying ammunition and (2) a Mossberg, Model 500C, 20 Ga. Slide action shotgun, serial number T266278, and any accompanying ammunition; and

WHEREAS, by virtue of said Memorandum of Plea Agreement and Consent of Forfeiture, the United States is now entitled to possession of said property pursuant to 21 U.S.C. § 853 and 18 U.S.C. § 924(d);

It is hereby ORDERED, ADJUDGED and DECREED:

1. That based upon the Memorandum of Plea Agreement and

Consent of Forfeiture as to the defendant, Gabino Raygoza-Villanueva, the United States is hereby authorized to seize the above-stated property, and it is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n), as allowed by Fed. R. Crim. P. 32.2(b)(3). In accordance with Fed. R. Crim. P. 32.2(b)(3), this Order is now final as to the defendant.

2. That upon sentencing and issuance of the Judgment and Commitment Order, the Clerk of Court is directed to incorporate a reference to this Preliminary Order of Forfeiture in the applicable section of the Judgment, as required by Fed. R. Crim. P. 32.2(b)(3).


3. That pursuant to 21 U.S.C. § 853(n), the United States shall publish notice of this Order and of its intent to dispose of the property in such manner as the Attorney General or the Secretary of Treasury directs, by publishing and sending notice in the same manner as in civil forfeiture cases, as provided in Supplemental Rule G(4). Any person other than the defendant, having or claiming any legal interest in the subject property must file a petition with the Court within 30 days of the publication of notice or of receipt of actual notice, whichever is earlier.

The petition must be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the subject property, and

must include any additional facts supporting the petitioner's claim and the relief sought.

4. That upon adjudication of all third party interests this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853, as required by Fed. R. Crim. P. 32.2(c).

SO ORDERED. This 9<sup>th</sup> day of June, 2011.

  
~~MALCOLM J. HOWARD~~ David W. Daniel  
~~Senior United States District Judge~~  
Magistrate